

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7568**

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CHRISTOPHER A. GRANSBY,

Plaintiff - Appellant,

versus

D.A. BRAXTON, Warden; J. ARMENTROUT; LARRY  
HUFFMAN, Regional Director,

Defendants - Appellees.

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Appeal from the United States District Court for the Western  
District of Virginia, at Roanoke. Samuel G. Wilson, District  
Judge. (CA-03-107-7)

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Submitted: February 9, 2005

Decided: February 15, 2005

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Before WILKINSON, MICHAEL, and SHEDD, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Christopher A. Gransby, Appellant Pro Se. Mark Ralph Davis, OFFICE  
OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for  
Appellees.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Christopher A. Gransby seeks to appeal the district court's order granting summary judgment in part to the Defendants in his 42 U.S.C. § 1983 (2000) action. The district court referred Gransby's remaining claim to a magistrate judge for a hearing. This court may exercise jurisdiction only over final orders, 28 U.S.C. § 1291 (2000), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2000); Fed. R. Civ. P. 54(b); Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949). The order Gransby seeks to appeal is neither a final order nor an appealable interlocutory or collateral order. Accordingly, we dismiss the appeal for lack of jurisdiction. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED